



PATENT  
Docket No. 290.0009 0101

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Michael S. Kinch et al.	)	Group Art Unit:	1642
		)		
Serial No.:	09/640,952	)	Examiner:	Natalie A. Davis
Confirmation No.:	3252	)		
		)		
Filed:	August 17, 2000	)		
		)		
For:	EPHA2 AS A DIAGNOSTIC TARGET FOR METASTATIC CANCER (As Amended)			

DECLARATION OF KATHLEEN L. FRANKLIN

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Kathleen L. Franklin, declare and say as follows:

1. I am an associate attorney in the employ of the law firm of Mueting, Raasch, & Gebhardt, P.A., with offices located at 203 Textile Building, 119 North Fourth Street, Minneapolis, Minnesota 55401, Applicants' attorney of record in the above-identified patent application. I am registered to practice in patent cases before the U.S. Patent and Trademark Office, registration No. 47,574.

2. On information and belief, Zantek et al., "Epithelial Cell Kinase (ECK/EPHA2) Regulation in Breast Cancer," Abstract 773, page 134a, Molecular Biology of the Cell, 9(Supplement), 38<sup>th</sup> Annual Meeting of the American Society for Cell Biology (December 12-16, 1998) was mailed out late November of 1998. This information was obtained by telephone conversation with Stephanie Dane at the American Society for Cell Biology.

**Declaration of Kathleen L. Franklin**

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Applicant(s): Michael S. Kinch et al.

Serial No.: 09/640,952

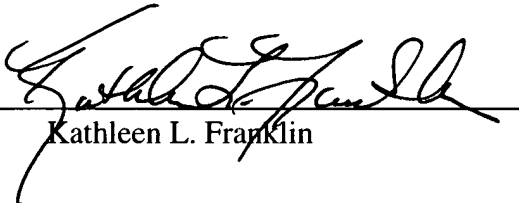
Confirmation No.: 3252

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3. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

OCTOBER 5, 2001  
Date

By:   
Kathleen L. Franklin



PATENT  
Docket No. 290.0009 0101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	Michael S. Kinch et al.	)	Group Art Unit:	1645
Serial No.:	09/640,952	)	Examiner:	Natalie A. Davis
Confirmation No.:	Unassigned	)		
Filed:	August 17, 2000	)		
For:	EPHA2 AS A DIAGNOSTIC TARGET FOR METASTATIC CANCER (As Amended)			

**IN RE KATZ DECLARATION UNDER 37 C.F.R. § 1.132**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Michael S. Kinch, Ph.D., declare and say as follows:

1. I am a co-inventor of the subject matter of claims 1-13, 21-24, and 28-81, presently pending in the above-identified U.S. Patent Application Serial No. 09/640,952, filed August 17, 2000.
2. I received a Ph.D. in Immunology from Duke University Medical Center, Durham, North Carolina in 1993, and a B.S. with Distinction in Immunology from Ohio State University, Columbus, Ohio in 1989. I was a Post-Doctoral Fellow in Cancer Cell Biology at the University of North Carolina at Chapel Hill, North Carolina from 1993 to 1996. I have been a Professor of Cellular Pharmacology at Purdue University, West Lafayette, Indiana, and an Adjunct Professor in the Department of Pharmacology at Indiana University School of Medicine, Indianapolis, Indiana, from 1996 to the present. My research activities include work in cellular processes of cancers, including cell adhesion and transformation. I have published and presented over 70 papers and presentations on these and related topics.

Applicant(s): Michael S. Kinch et al.

Serial No.: 09/640,952

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3. Nicole D. Zantek is a co-inventor of the subject matter of claims 1-13, 21-24, and 28-81 presently pending in the above-identified U.S. Patent Application Serial No. 09/640,952. On information and belief, Nicole D. Zantek received a Doctor of Medicine from Georgetown University Medical School, Washington, D.C., in 2001, a Ph.D. in Biochemistry and Molecular Biology from Purdue University, West Lafayette, Indiana, in 1999, and a B.A. in Biology from Concordia College, Moorhead, Minnesota in 1992. Dr. Zantek's research activities include work in cellular activities of proteins related to breast cancer progression, protein interactions of fibroblast growth factor receptor, and the proliferation of extracellular muscle satellite cells.

4. I have read and am thoroughly familiar with the Office Action mailed July 5, 2001, with respect to the above-identified patent application and with Zantek et al. Abstract 773, page 134a, Molecular Biology of the Cell, volume 9 (supplement), a publication having been cited by the Examiner in the July 5, 2001, Office Action. I hereby make this Declaration in support of the patentability of claims 1-13, 21-24 and 28-71 of Application Serial No. 09/640,952.

5. Nicole D. Zantek and I are among the co-authors of the above-referenced Zantek et al., Abstract 773, page 134a, Molecular Biology of the Cell, volume 9 (supplement) publication. Nicole D. Zantek and I are also co-inventors of the subject matter of claims 1-13, 21-24, and 28-81 presently pending in the above-identified U.S. Patent Application Serial No. 09/640,952 and commonly disclosed therein and in the Zantek et al., abstract 773, page 134a, Molecular Biology of the Cell, volume 9 (supplement) publication.

6. Mary Fedor-Chaiken and Robert Brackenbury are the other co-authors of the above-referenced abstract; however, they are not co-inventors of the subject matter of claims 1-13, 21-24, and 28-81 presently pending in the above-identified U.S. Patent Application Serial No. 09/640,952.

Applicant(s): Michael S. Kinch et al.

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Mary Fedor-Chaiken and Robert Brackenbury are researchers in the Department of Cell Biology, Neurobiology and Anatomy at the University of Cincinnati, Cincinnati, Ohio. Mary Fedor-Chaiken and Robert Brackenbury's research includes the study of E-cadherin, an inter-cellular adhesion molecule. Dr. Nicole D. Zantek and I had evidence that EphA2 tyrosine phosphorylation might be regulated by E-cadherin, so we requested, and Mary Fedor-Chaiken and Robert Brackenbury provided, some cells in which they had overexpressed E-cadherin. Neither Mary Fedor-Chaiken nor Robert Brackenbury participated in the studies of EphA2 overexpression in cancer cells.

7. Dr. Nicole D. Zantek and I are the joint inventors of the subject matter of claims 1-13, 21-24 and 28-81 presently pending in the above-identified U.S. Patent Application Serial No. 09/640,952 and commonly disclosed therein and in the Zantek et al. abstract 773, page 134a, Molecular Biology of the Cell, volume 9 (supplement) publication.

8. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10-4-01  
Date

By:   
Michael S. Kinch, Ph.D.